

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ZHIJIE ZHU, individually,

Plaintiff,

v.

SHU-MEI WANG and BEIJING MEN, as individuals, wife and husband, and the marital community composed thereof; JAMES THORPE and KIMBERLY THORPE, as individuals, husband and wife, and the marital community composed thereof; SETH HECK and JANE DOE HECK, as individuals, husband and wife, and the marital community composed thereof; NORTHLAKE CAPITAL and DEVELOPMENT, LLC, a Washington limited liability company; 183RD SHORELINE APARTMENTS, LLC, a Washington limited liability company; 5326 ROOSEVELT WAY, LLC, a Washington limited liability company; and 4206 7TH AVE, LLC, a Washington limited liability company,

Defendants.

Case No. 2:23-cv-01395-JCC

DEFENDANTS WANG AND MEN'S  
ANSWER TO PLAINTIFF'S  
COMPLAINT

COME NOW Defendants Shu-Mei Wang and Beijing Men (collectively, "Defendants Wang") by and through their attorneys of record, and for their Answer to Plaintiff's Complaint, hereby admit, deny, and aver as follows:

DEFENDANTS WANG AND MEN'S ANSWER TO  
PLAINTIFF'S COMPLAINT:  
CASE NO. 2:23-CV-01395-JCC - 1

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**I. PARTIES**

1. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph and therefore deny the same.

2. Defendants Wang admit they are married and residents of King County, Washington. All other allegations set forth in this paragraph are denied.

3. Upon information and belief, Defendants Wang admit the allegations set forth in this paragraph except that they are without information to either admit or deny whether Defendant Thorpe's actions were taken on behalf of his marital community, and therefore deny the same.

4. Upon information and belief, Defendants Wang admit the allegations set forth in this paragraph except that they are without information to either admit or deny whether Defendant Heck's actions were taken on behalf of his marital community, and therefore deny the same.

5. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph and therefore deny the same.

6. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph and therefore deny the same.

7. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph and therefore deny the same.

8. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph and therefore deny the same.

9. Paragraph 9 of Plaintiff's Complaint does not require a response. To the extent

1 Defendants Wang must respond, they deny the same.

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3 **II. JURISDICTION & VENUE**

4 10. The allegations set forth in this paragraph do not require a response. To the  
5 extent Defendants Wang must respond, they deny the same.

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7 **III. MATERIAL FACTS**

8 11. Defendants Wang admit that Ms. Wang has experience as a real estate  
9 developer in Seattle, but denies all other allegations set forth in this paragraph.

10 12. Defendants Wang deny.

11 13. Defendants Wang deny.

12 14. Defendants Wang admit Ms. Wang invested with Defendant Thorpe. All other  
13 allegations are denied.

14 15. Defendants Wang admit that Ms. Wang drove Plaintiff to Defendant Thorpe's  
15 office at the request of Plaintiff. All other allegations are denied.

16 16. Defendants Wang admit Ms. Wang forwarded a document from Defendant  
17 Thorpe at the parties' request, but deny the remaining allegations in this paragraph.

18 17. Defendants Wang admit she gave Plaintiff a ride to the business office of  
19 Defendant Northlake at Plaintiff's request. Defendants Wang are without sufficient  
20 information to admit or deny the remaining allegations, and therefore, deny the same.

21 18. Defendants Wang admit that Defendant Thorpe and Defendant Heck met with  
22 Plaintiff on or about October 5, 2018. All other allegations are denied.

23 19. Defendants Wang are without sufficient information to admit or deny, and  
24 therefore deny the same.

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26 **DEFENDANTS WANG AND MEN'S ANSWER TO  
PLAINTIFF'S COMPLAINT:  
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1           20.     This allegations is directed to other defendants and as such no response is  
2 required. To the extent they must respond, Defendants Wang deny.

3           21.     This allegations is directed to other defendants and as such no response is  
4 required. To the extent they must respond, Defendants Wang deny.

5           22.     This allegations is directed to other defendants and as such no response is  
6 required. To the extent they must respond, Defendants Wang deny.

7           23.     Defendants Wang admit Ms. Wang Ms. Wang drove Plaintiff to real property  
8 at 18110 Midvale Ave. N. Shoreline, WA 98133. All other allegations are denied.

9           24.     Defendants Wang are without sufficient information to admit or deny, and  
10 therefore deny the same.

11           25.     This allegations is directed to other defendants and as such no response is  
12 required. To the extent they must respond, Defendants Wang deny.

13           26.     Defendants Wang admit that Ms. Wang invested in the Project as an investor,  
14 but deny all remaining allegations.

15           27.     Defendants Wang are without sufficient information to admit or deny, and  
16 therefore deny the same.

17           28.     Defendants Wang admit that on or about November 15, 2018, at the request of  
18 the parties, she forwarded information from Defendant Heck to Plaintiff. All other allegations  
19 are denied.

20           29.     Defendants Wang admit on or about November 22, 2018 that she sent a WeChat  
21 message to Plaintiff but denies that the allegations in this paragraph are the full content of the  
22 messages exchanged.

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**DEFENDANTS WANG AND MEN'S ANSWER TO  
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1           30.     Defendants Wang deny.

2           31.     Defendants Wang admit that Ms. Wang forwarded a message to Plaintiff from  
3 Defendant Thorpe on or about November 23, 2018.

4           32.     Defendants Wang are without sufficient information to admit or deny, and  
5 therefore deny the same.  
6

7           33.     Upon information and belief, Defendants Wang admit.

8           34.     Upon information and belief, Defendants Wang admit.

9           35.     Defendants Wang deny.

10          36.     Defendants Wang are without sufficient information to admit or deny, and  
11 therefore deny the same.  
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13          37.     Defendants Wang are without sufficient information to admit or deny, and  
14 therefore deny the same.

15          38.     Defendants Wang deny.

16          39.     Defendants Wang are without sufficient information to admit or deny, and  
17 therefore deny the same.

18          40.     Defendants Wang are without sufficient information to admit or deny, and  
19 therefore deny the same.  
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21          41.     Defendants Wang admit that Plaintiff was informed on or about January 30,  
22 2019 that the recording of her Deed of Trust had not yet occurred, but are without sufficient  
23 information to admit or deny the remaining allegations in this paragraph.

24          42.     Defendants Wang are without sufficient information to admit or deny and  
25 therefore deny the same.  
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DEFENDANTS WANG AND MEN'S ANSWER TO  
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1           43. Defendants Wang are without sufficient information to admit or deny and  
2 therefore deny the same.

3           44. Defendants Wang deny.

4           45. Defendants Wang are without sufficient information to admit or deny and  
5 therefore deny the same.  
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7           46. Defendants Wang deny.

8           47. Defendants Wang admits Ms. Wang invested \$20,000 in the 5326 Roosevelt  
9 Way project and deny all other allegations in this paragraph.

10          48. Defendants Wang deny.

11          49. Defendants Wang assert this allegation is directed to other defendants and as  
12 such no answer is required. To the extent they must respond, Defendants Wang admit the  
13 allegations upon information and belief.  
14

15          50. Defendants Wang assert this allegation is directed to other defendants and as  
16 such no answer is required. To the extent they must respond, Defendants Wang deny the same.

17          51. Defendants Wang assert this allegation is directed to other defendants and as  
18 such no answer is required. To the extent they must respond, Defendants Wang deny the same.

19          52. Upon information and belief, Defendants Wang admit.  
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21          53. Defendants Deny.

22          54. Defendants Wang are without sufficient information to admit or deny, and  
23 therefore, deny the same.

24          55. Defendants Wang are without sufficient information to admit or deny, and  
25 therefore, deny the same.  
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DEFENDANTS WANG AND MEN'S ANSWER TO  
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1           56. Defendants Wang are without sufficient information to admit or deny, and  
2 therefore, deny the same.

3           57. Defendants Wang are without sufficient information to admit or deny, and  
4 therefore, deny the same.  
5

6                   **IV. CAUSE OF ACTION – BREACH OF CONTRACT**

7           58. Defendants Wang reassert their responses to Paragraphs 1-57 as if fully set  
8 forth herein.

9           59. The allegations set forth in this paragraph do not pertain to Defendants Wang,  
10 and therefore, no response is required. To the extent Defendants must respond, they deny the  
11 same.  
12

13          60. The allegations set forth in this paragraph do not pertain to Defendants Wang,  
14 and therefore, no response is required. To the extent Defendants must respond, they deny the  
15 same.  
16

17          61. The allegations set forth in this paragraph do not pertain to Defendants Wang,  
18 and therefore, no response is required. To the extent Defendants must respond, they deny the  
19 same.  
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21          62. The allegations set forth in this paragraph do not pertain to Defendants Wang,  
22 and therefore, no response is required. To the extent Defendants must respond, they deny the  
23 same.  
24

25          63. The allegations set forth in this paragraph do not pertain to Defendants Wang,  
26 and therefore, no response is required. To the extent Defendants must respond, they deny the  
same.

64. The allegations set forth in this paragraph do not pertain to Defendants Wang, and therefore, no response is required. To the extent Defendants must respond, they deny the same.

**V. CAUSE OF ACTION – VIOLATIONS OF THE WASHINGTON STATE SECURITIES ACT**

65. Defendants Wang reassert their responses to Paragraphs 1 through 64, as if fully set forth herein.

66. Paragraph 66 contains legal conclusions to which no response is required. To the extent Defendants Wang must respond, they deny the same.

67. Defendants Wang deny.

68. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph, and therefore deny the same.

69. Paragraph 69 a through c contains legal conclusions to which no response is required. To the extent Defendants Wang must respond, they deny the same.

70. Paragraph 70 contains legal conclusions to which no response is required. To the extent Defendants Wang must respond, they deny the same.

71. Defendants Wang are without sufficient information to either admit or deny the allegations set forth in this paragraph and therefore deny the same.

**VI. CAUSE OF ACTION – VIOLATIONS OF WASHINGTON’S CONSUMER PROTECTION**

72. Defendants Wang reassert their responses to Paragraphs 1 through 71, as if fully set forth herein.

73. Paragraph 73 contains legal conclusions to which no response is required. To  
 DEFENDANTS WANG AND MEN'S ANSWER TO  
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1 the extent Defendants Wang must respond, they deny the same.

2 74. Defendants Wang are without sufficient information to either admit or deny the  
3 allegations set forth in this paragraph and therefore deny the same.  
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5 **VII. CAUSE OF ACTION – NEGLIGENT MISREPRESENTATION**

6 75. Defendants Wang reassert their responses to Paragraphs 1 through 74, as if fully  
7 set forth herein.

8 76. Defendants Wang are without sufficient information to either admit or deny the  
9 allegations set forth in this paragraph, and therefore deny the same.  
10

11 77. Defendants Wang deny as to Defendant Wang and are without sufficient  
12 information as to the other Defendants.

13 78. Defendants Wang deny as to Defendant Wang and are without sufficient  
14 information as to the other Defendants.

15 79. Paragraph 79 contains legal conclusions to which no response is required. To  
16 the extent that Defendants Wang must respond, they deny the same.  
17

18 80. Defendants Wang are without sufficient information to either admit or deny the  
19 allegations set forth in this paragraph, and therefore deny the same.

20 81. Defendants Wang are without sufficient information to either admit or deny the  
21 allegations set forth in this paragraph, and therefore deny the same.  
22

23 **VIII. CAUSE OF ACTION – INTENTIONAL MISREPRESENTATION**

24 82. Defendants Wang reassert their responses to Paragraphs 1 through 81, as if fully  
25 set forth herein.

26 83. Defendants Wang are without sufficient information to either admit or deny the  
DEFENDANTS WANG AND MEN'S ANSWER TO  
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1 allegations set forth in this paragraph, and therefore deny the same.

2 84. Defendants Wang are without sufficient information to either admit or deny the  
3 allegations set forth in this paragraph, and therefore deny the same.

4 85. Defendants Wang are without sufficient information to either admit or deny the  
5 allegations set forth in this paragraph, and therefore deny the same.

6 86. Defendants Wang are without sufficient information to either admit or deny the  
7 allegations set forth in this paragraph, and therefore deny the same.

8 87. Defendants Wang are without sufficient information to either admit or deny the  
9 allegations set forth in this paragraph, and therefore deny the same.

10 88. Defendants Wang are without sufficient information to either admit or deny the  
11 allegations set forth in this paragraph, and therefore deny the same.

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14 **IX. CAUSE OF ACTION – UNJUST ENRICHMENT**

15 89. Defendants Wang reassert their responses to Paragraphs 1 through 88, as if fully  
16 set forth herein.

17 90. Paragraph 90 contains a legal conclusion to which no response is required, to  
18 the extent that Defendants Wang must respond, Defendants Wang deny the same.

19 91. Paragraph 91 contains a legal conclusion to which no response is required, to  
20 the extent that Defendants Wang must respond, Defendants Wang deny the same.

21 92. Paragraph 92 contains a legal conclusion to which no response is required, to  
22 the extent that Defendants Wang must respond, Defendants Wang deny the same.

23 93. Paragraph 90 contains a legal conclusion to which no response is required, to  
24 the extent that Defendants Wang must respond, Defendants Wang deny the same.

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DEFENDANTS WANG AND MEN'S ANSWER TO  
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**X. RESERVATION**

94. Paragraph 94 does not require a response by these Answering Defendants. To the extent they must respond, Defendants Wang deny the same.

**XI. RELIEF REQUESTED**

Defendants Wang deny Plaintiff's Relief Request, paragraphs 1-4, in its entirety.

**XII. AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Plaintiff's claims are barred by the doctrine of laches.
3. Plaintiff's claims are barred in part or completely by the doctrine of estoppel.
4. Plaintiff's claims are barred in part or completely by his own contributory negligence.
5. Plaintiff's claims are barred under the doctrine of waiver.
6. Plaintiff's claims are barred in part or completely by the statute of frauds.
7. Plaintiff's claims are barred in part or completely by the doctrine of offset.
8. Plaintiff's claims are barred in part or completely by the applicable statutes of limitations.
9. Plaintiff's claims are barred in part or completely due to his failure to mitigate damages.
10. Plaintiff's claims are barred in part or completely due to intervening and superseding causation.
11. Plaintiff's claims are barred in part or completely as a result of Plaintiff intentionally or negligently destroying evidence before defendants have an opportunity to

DEFENDANTS WANG AND MEN'S ANSWER TO  
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1 examine the evidence.

2 12. Plaintiff's claims are barred in part or completely under the doctrine of accord  
3 and satisfaction.

4 Defendants Wang reserve all rights under law to assert future and additional affirmative  
5 defenses to Plaintiff's claims as further investigation and discovery progresses.  
6

7 **XIII. PRAYER FOR RELIEF**

- 8 1. For dismissal of Plaintiff's complaint, with prejudice;  
9  
10 2. For an award of Defendants Wang's costs and attorney fees to the fullest extent  
11 permitted by law; and  
12 3. For such other relief the Court deems just and equitable.

13 Dated this 15th day of September, 2023.

14 SCHWABE, WILLIAMSON & WYATT, P.C.

15  
16 By: /s/ David R. Ebel  
17 David R. Ebel, WSBA #28853  
18 Email: [debel@schwabe.com](mailto:debel@schwabe.com)  
19 Karleen J. Scharer, WSBA #48101  
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21 1420 5th Avenue, Suite 3400  
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23 Telephone: 206-622-1711  
24 Facsimile: 206-292-0460  
25 *Attorneys for Defendants Shu-Mei Wang*  
26 *and Beijing Men*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 15th day of September, 2023, I caused to be served the  
3 foregoing DEFENDANTS WANG AND MEN'S ANSWER TO PLAINTIFF'S  
4 COMPLAINT on the following parties via the CM/ECF system for the US District Court,  
5 Western District of Washington :

6 Daniel J. Frohlich, WSBA #31437  
7 DICKSON FROHLICH PHILLIPS  
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*Attorneys for Defendants James  
Thorpe, Kimberly Thorpe, Seth  
Heck, Northlake Capital and  
Development, LLC, 183rd Shoreline  
Apartments, LLC, 5326 Roosevelt  
Way, LLC and 4206 7th Ave LLC*

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17 /s/ David R. Ebel

18 David R. Ebel, WSBA #28853  
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CERTIFICATE OF SERVICE - 1

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